

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CANDICE L. GULLEY, *et al.*,)
Plaintiffs,)
v.) CIVIL CASE NO. 2:21-cv-524-ECM
HANSEN & ADKINS AUTO) [WO]
TRANSPORT, INC., *et al.*,)
Defendants.)

O R D E R

It appears to the Court that the allegations of the Plaintiffs' Complaint are insufficient to invoke this Court's diversity jurisdiction. Plaintiffs Candice Gulley,¹ Tommy Gulley, Donald Burdette, Randall Norman, and Brenda Norman bring claims as representatives of minor children who are now deceased. (Doc. 1 at 2, paras. 1–5). Plaintiffs Stuart Albea and Jason Riggs bring claims as representatives of the estates of decedents. (*Id.* at 3, paras. 6–7). In a suit brought by a representative, the plaintiff's citizenship is determined by the represented person's citizenship. *See* 28 U.S.C. § 1332(c)(2) ("[T]he legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent, and the legal representative of an infant or incompetent shall be deemed to be a citizen only of the same State as the infant or incompetent."). Therefore, the Complaint does not adequately establish the grounds for this Court to assume jurisdiction because the Complaint sets forth only the citizenship of

¹ Candice Gulley also brings claims on her own behalf.

the personal representatives and not the citizenship of the minor children or decedents. (*See* Doc. 1 at 2–3, paras. 1–7). Accordingly, for good cause, it is

ORDERED that on or before **October 4, 2021**, the Plaintiffs shall amend their Complaint to sufficiently allege jurisdiction. If the Plaintiffs fail to do so, the Court may dismiss this case without prejudice.

DONE this 24th day of September, 2021.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE